

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS : GERS-BARLAG et al.  
SERIAL NO. : Not yet assigned  
FILED : 21 February 2002  
FOR : EMULSIFIER-FREE FINELY DISPERSED SYSTEMS OF THE  
OIL-IN WATER AND WATER-IN-OIL TYPE  
ART UNIT : 1619  
EXAMINER : Michael Hartley

**21 Febuary 2002**

Hon. Commissioner of Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

SIR:

Prior to examination, please amend the above-identified application as follows:

**IN THE CLAIMS:**

**Please cancel claims 1-12 and add new claims 13-24 (see next page):**

13. A Pickering emulsion, said Pickering emulsion being a finely dispersed water-in-oil or oil-in water system, said Pickering emulsion comprising:
- a) an oil phase;
  - b) an aqueous phase;
  - c) microfine particles, said microfine particles being metal oxides:
    - i) having an average particle size of less than 200 nm;
    - ii) being dispersible both in water and in oil;
    - iii) having both hydrophilic and lipophilic properties resulting in amphiphilic character; and
  - d) at least one polymeric moisturizer; and
  - e) at most 0.5% by weight of one or more emulsifiers.
14. Pickering emulsion according to Claim 13, which is emulsifier-free.
15. Pickering emulsion according to Claim 13, wherein the content of the particles is between 0.1% by weight and 30% by weight, based on the total weight of the preparations.
16. Pickering emulsion according to Claim 13, wherein the particle diameter of the particles used is between 5 nm and 100 nm.
17. Pickering emulsion according to Claim 13, wherein the particles used have been surface-treated to repel water, where the amphiphilic character of the particles is formed or retained.
18. Pickering emulsion according to Claim 13, wherein the total amount of said one or more polymeric moisturizers in the emulsion is less than 10.0% by weight, based on the total

weight of the preparations.

19. Pickering emulsion according to Claim 13, wherein the polymeric moisturizer is selected from the group consisting of polysaccharides which are water-soluble, water-swellaable or gellable using water or have any combination of such properties in water.
20. Pickering emulsion according to Claim 13, wherein said polysaccharide is selected from the group consisting of hyaluronic acid, chitosan, and the product which is listed in the Chemical Abstracts under the Registry Number 178643-23-5.
21. A method of providing skin care, said method comprising applying to skin an emulsion according to any one of claims 15-20.
22. A method of stabilizing a cosmetic or dermatological Pickering emulsion comprising of:
  - a) an oil phase;
  - b) an aqueous phase;
  - c) microfine particles, said microfine particles being metal oxides:
    - i) having an average particle size of less than 200 nm;
    - ii) being dispersible both in water and in oil;
    - iii) having both hydrophilic and lipophilic properties resulting in amphiphilic character; and
  - d) at most 0.5% by weight of one or more emulsifiers,which consists of adding at least one polymeric moisturizer to said Pickering emulsion.
23. The method of claim 22 wherein the at least one polymeric moisturizer is selected from the group consisting of polysaccharides which are water-soluble, water-swellaable or gellable using water or have any combination of such properties in water.

24. The method of claim 23 wherein the polysaccharide is selected from the group consisting of: hyaluronic acid, chitosan, and the product which is listed in the Chemical Abstracts under the Registry Number 178643-23-5.

#### REMARKS

Claims 1-12 have been cancelled and claims 13-24 have been added. Claims 13-24 are now pending. Although claims 13-24 are broader in scope than the claims allowed in 09/389,684, they still represent a narrower embodiment of originally filed claims 1-12. As such, it is believed that no new matter has been added.

Claims 14-21 correspond to the claims allowed in parent application 09/389,684 with the exception of the coating limitation (see attached sheet for comparison of claims), i.e. the scope of the claims has been expanded so that the amphiphilic metal oxide microfine particles are not limited by the means by which they are made to be amphiphilic.

Claims 22-24 correspond to claim 12, the subject matter of which was cancelled during the prosecution of the parent application.

If the only issue preventing allowability of the claims is the lack of a terminal disclaimer to overcome a obviousness-type double patenting rejection, the examiner is encouraged to telephone the undersigned (A faxed copy of the appropriate terminal disclaimers can be provided within 48 hours or less - Given the cost (\$110 per terminal disclaimer), the applicants prefer not to file the terminal disclaimers until there is an indication of allowable subject matter.) Early and favorable action is earnestly solicited.

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Respectfully submitted,  
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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Preliminary Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Assistant Commissioner for Patents, Washington, D.C. 20231, on the date indicated below:

Date: **21 February 2002**

By Howard C. Lee  
Howard C. Lee